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8

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

12 PETER JAY GERBER and MIRIAM
GOLDBERG,

13
14 Plaintiffs,

15 v.

16 BAYER CORPORATION AND
BAYER HEALTHCARE
17 PHARMACEUTICALS, INC.; BMC
DIAGNOSTICS, INC.; CALIFORNIA
PACIFIC MEDICAL CENTER;
18 GENERAL ELECTRIC COMPANY;
GE HEALTHCARE, INC.; GE
19 HEALTHCARE BIO-SCIENCES
CORP.; McKESSON
20 CORPORATION; MERRY X-RAY
CHEMICAL CORP.; and DOES 1
21 through 35

22 Defendants.
23

CASE NO. CV-07-5918-JSW

PROOF OF SERVICE

[Jury Trial Demanded]

(San Francisco County Superior Court Case No.
CGC07468577)

24 **PROOF OF SERVICE**

25 I am employed in the City of Los Angeles in the County of Los Angeles, State of
26 California. I am over the age of 18 and not a party to the within action. My business
27 address is 515 S. Figueroa Street, Suite 1240, Los Angeles, California 90071.

28 ///
4825-0848-2818.1

On December 21, 2007, I served the following documents:

1. Removing Defendants' Opposition to Motion for Remand;
2. Request for Judicial Notice Pursuant to Federal Rules of Evidence, Rule 201;
3. Declaration of Deborah C. Prosser in Support of Removing Defendants' Opposition to Motion for Remand;
4. Declaration of Alan Pont, M.D.;
5. Declaration of Larry Lawson;
6. Declaration of Vito Pulito;
7. Declaration of Carol Sleeth; and
8. [Proposed] Order Denying Plaintiffs' Motion for Remand

on all interested parties in this action by placing a true copy or the original thereof enclosed in a sealed envelope or package addressed as stated on the attached mailing list.

[] **(BY FACSIMILE)** The facsimile machine I used complied with Rule 2.301(3) and no error was reported by the machine. Pursuant to Rule 2.306(g)(4), I caused the machine to print a record of the transmission.

[] **(BY MAIL, 1013a, 2015.5 C.C.P.)** I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this document will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[XX] **(BY NOTICE OF ELECTRONIC FILING)** Counsel who have consented to electronic service have been automatically served by the Notice of Electronic Filing, which is automatically generated by CM/ECF at the time said document was filed, and which constitutes service pursuant to FRCP 5(b)(2)(D).

[] **(BY OVERNIGHT DELIVERY/COURIER)** I delivered such envelope or package to a courier or driver authorized by the express service carrier; or deposited such envelope or package to a regularly maintained drop box or facility to receive documents by the express service carrier with delivery fees provided for.

[PROPOSED] ORDER DENYING PLAINTIFFS'
MOTION FOR REMANDCASE

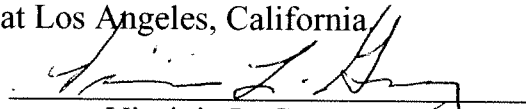
1 [] **(BY MESSENGER)** I served the documents by placing them in an envelope or
2 package addressed to the persons at the addresses listed above and providing them
3 to a messenger for personal service. (A proof of service executed by the messenger
will be filed in compliance with the *Code of Civil Procedure*)

4 [] **(BY PERSONAL SERVICE)** I delivered the foregoing envelope by hand to the
5 offices of the addressee.

6 [] **(STATE)** I declare under penalty of perjury under the laws of the State of
7 California that the above is true and correct.

8 [XX] **(FEDERAL)** I declare that I am employed in the office of a member of the bar of
this Court at whose direction service was made.

9 Executed on December 21, 2007, at Los Angeles, California

10 
11 Virginia L. Gomez

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4825-0848-2818.1

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[PROPOSED] ORDER DENYING PLAINTIFFS'
MOTION FOR REMANDCASE

NO. CV-07-5918-JSW